

REMARKS

This application has been reviewed in light of the Office Action dated September 27, 2004. Claims 22-29 are presented for examination, of which Claims 22, 23, 25, and 26, the independent claims, have been amended to define still more clearly what Applicants regard as their invention. Claims 30-33 have been canceled, without prejudice or disclaimer of subject matter, and will not be discussed further. Favorable reconsideration is requested.

Claims 22-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,396,537 (*Sequilla et al.*).

As shown above, Applicants have amended independent Claims 22, 23, 25, and 26 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 22 is an image capture apparatus that communicates with an external recording apparatus using a wireless communication unit. The image capture apparatus includes an image capture unit adapted to capture a digital image, and a recording unit adapted to record the digital image captured by the image capture unit on a recording medium. The image capture apparatus also includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus. The control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium

to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus.

Among other notable features of Claim 22 are that the image capture apparatus, which communicates with an external recording apparatus, includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus. Support for this feature may be found at least at page 20, lines 8-16, of the specification.¹

Sequilla et al. relates to a photographic system, including a camera, that is capable of interactive data communication with sources of digital data associated with one or more scenes. The *Sequilla et al.* system includes a processing center arranged to process images photographed by a camera and perform extra services such as alburning (column 9, lines 23-28). The processing center is also arranged to download information associated with the images via a telecommunication link. If the processing center is an image server center, there is no need for a telecommunication link since the information is on site (column 9, lines 28-33). Applicants submit that nothing has been found in *Sequilla et al.* that would teach or suggest an image

¹ It is to be understood, of course, that the claim scope is not limited by the details of the described embodiments, which are referred to only to facilitate explanation.

capture apparatus, which communicates with an external recording apparatus, including a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus, as recited in Claim 22.

For at least the above reason, Applicants submit that Claim 22 is clearly patentable over *Sequilla et al.*

Independent Claim 25 is a method claim corresponding to apparatus Claim 22, and is believed to be patentable over *Sequilla et al.* for at least the same reasons as discussed above in connection with Claim 22.

The aspect of the present invention set forth in Claim 23 is an image capture apparatus that communicates with an external recording apparatus using a wireless communication unit. The image capture apparatus includes an image capture unit adapted to capture a digital image, and a recording unit adapted to record the digital image captured by the image capture unit on a recording medium. The image capture apparatus also includes a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus

if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and deletes the digital image recorded on the recording medium from the recording medium if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus.²

Applicants submit that nothing has been found in *Sequilla et al.* that would teach or suggest an image capture apparatus, communicating with an external recording apparatus, including a control unit adapted to judge whether or not the digital image recorded on the recording medium is already recorded in the external recording apparatus, where the control unit automatically transmits the digital image recorded on the recording medium to the external recording apparatus if it is judged that the digital image recorded on the recording medium is not already recorded in the external recording apparatus, and deletes the digital image recorded on the recording medium from the recording medium if it is judged that the digital image recorded on the recording medium is already recorded in the external recording apparatus, as recited in Claim 23.

For at least the above reason, Applicants submit that Claim 23 is clearly patentable over *Sequilla et al.*

Independent Claim 26 is a method claim corresponding to apparatus Claim 23, and is believed to be patentable over *Sequilla et al.* for at least the same reasons as discussed above in connection with Claim 23.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the

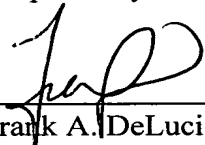
² Support for this feature may be found at least at page 21, lines 4-16, of the specification.

same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



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